



House Fish, Wildlife and Water Resources Committee
H. 37 - Regulation of Dams
April 10, 2015

Thank you for the opportunity to testify on H. 37. VLCT has several concerns with H. 37 as introduced.

The definition of “Dam” (10 VSA 1080 (6)(A)) is expansive far beyond those dams currently on the Agency of Natural Resources website. The definition would include any impoundment on a perennial stream *or* capable of impounding 500,000 cf of water, and culverts.

By our count, under the definition in current statute, there are eighty municipal dams on the Agency’s lists of significant hazard (20), high hazard (19) and low hazard (41) dams.

We believe culverts should be categorically exempted from the definition of dam and not conditionally exempted as the bill reads now (10 VSA 1080 (6) (C) (ii)). There is plenty of regulation of culverts in other statutes, they will be addressed in the water cleanup bill and stormwater regulations, and no lay person would consider a culvert to be a dam.

We believe that registering dams will be helpful. The date for registering all dams of April 1, 2017 will work only if those who the agency declares the owners of the dams, agree with that assessment and also agree that the impoundment on their property is a dam. This may take a while to sort out, given the current and new definitions of a dam.

This is a year in which municipalities are going to pay substantially more fees for water related issues pursuant to H. 35. We note that the dam fee is yet another cost allocated to the property tax.

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